

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:22-cr-78-1

vs.

PIERRE LEMONE DRAPER,

District Judge Michael J. Newman

Defendant.

**ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S *PRO SE* MOTIONS TO
DISMISS (Doc. Nos. 45, 46, 76)**

This criminal case is before the Court for review several *pro se* filings by Defendant Pierre Lemone Draper. Doc. Nos. 45, 46, 76. Construing these filings liberally in Defendant's favor, *see Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (citing *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)), each document is properly characterized as a motion to dismiss this case with prejudice. Yet, Defendant Draper is represented by counsel in this case and is not proceeding *pro se*. "A defendant has a constitutional right to be represented by counsel *or* to represent himself during his criminal proceedings, but not both." *Miller v. United States*, 561 F. App'x 485, 488 (6th Cir. 2014) (emphasis in original) (citing *United States v. Moseley*, 810 F.2d 93, 97 (6th Cir. 1987)). Accordingly, the Court **DENIES without prejudice** Defendant's *pro se* motions and will not consider any arguments advanced therein unless and until those arguments are presented in a motion filed by his counsel of record.

IT IS SO ORDERED.

June 30, 2023

s/Michael J. Newman

Michael J. Newman

United States District Judge